

THE HONORABLE ROBERT J. BRYAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MARK ROBBINS,

Plaintiff,

v.

UNUM LIFE INSURANCE COMPANY OF
AMERICA and WASHINGTON MUTUAL
LONG-TERM DISABILITY PLAN,

Defendants.

No. C09-5416 RJB

**STIPULATION AND ORDER
GRANTING TRIAL CONTINUANCE**

I. STIPULATION

IT IS HEREBY STIPULATED by and between Plaintiff Mark Robbins (“Robbins”) and Defendants Unum Life Insurance Company of America (“Unum”) and the Washington Mutual Long-Term Disability Plan that the one-day bench trial in the above captioned matter, currently set for July 6, 2010, be continued for a minimum of six (6) months.

The instant action arises out of a claim for disability benefits under an employer-sponsored long-term disability insurance policy (“Policy”) governed by the Employee Retirement Income Security Act (“ERISA”). Unum granted Robbins’ claim for disability benefits under the Plan, but Robbins disputes the date on which he satisfied the definition of disability under the Policy and thus, the date on which benefits were granted. This is the sole

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1 issue currently before the court. Pursuant to CR39.1(c)(3), the parties scheduled mediation of
2 this matter for May 27, 2010.

3 On May 5, 2010, Unum concluded that Robbins no longer satisfied the definition of
4 disability under the Policy and denied his claim for future benefits. Robbins intends to appeal
5 this determination to Unum via ERISA's administrative review process. If the claim
6 determination is affirmed on appeal, Robbins will seek judicial review of the decision.

7 The above-referenced claims relate to and arise out of the same Policy and thus, it is in
8 the parties' and the Court's interest that they be resolved simultaneously. The requested six
9 (6) month continuance should allow Robbins sufficient time to appeal Unum's May 5, 2010
10 claim determination and, if necessary, to combine the issues for mediation in an effort to
11 achieve a global settlement of all claims and avoid trial. If the requested continuance is
12 granted, the parties will coordinate with the Courtroom Deputy to the Honorable Robert J.
13 Bryan, Dara Kaleel, to identify a mutually agreeable trial date.

14
15 DATED this 21st day of May, 2010.

16 SCOTT, KINNEY, FJELSTAD & MACK

LANE POWELL PC

17
18 By: /s/ Daniel Fjelstad

19 Daniel Fjelstad, WSBA No. 18025
Attorneys for Plaintiff.

By: /s/ Renee Grant Bluechel

D. Michael Reilly, WSBA No. 14674
Renee Grant Bluechel, WSBA No. 39500
Attorneys for Defendant .

21 II. ORDER

22 THIS MATTER, having come before the Court on the Stipulation of the parties, and
23 the Court being otherwise fully advised;

24 IT IS HEREBY ORDERED that the trial date in the above captioned matter shall be
25 continued for not less than six (6) months.
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1 IT IS FURTHER ORDERED that all pretrial dates will be adjusted to correspond with
2 the new trial date.

3 IT IS FURTHER ORDERED that the parties shall coordinate with the Courtroom
4 Deputy, Dana Kaleel, to identify a mutually agreeable trial date for all parties.

5 DONE IN OPEN COURT this 24th day of May, 2010.

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8 ROBERT J. BRYAN
9 United States District Judge
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11 Presented by:

12
13 LANE POWELL PC

14 By: /s/ Renee Grant Bluechel
15 D. Michael Reilly, WSBA No. 14674
16 Renee Grant Bluechel, WSBA No. 39500
Attorneys for Defendants.

17 Copy received; Approved as to form;
18 Notice of presentation waived:

19 SCOTT, KINNEY, FJELSTAD & MACK
20

21 By: /s/ Daniel Fjelstad
22 Daniel Fjelstad, WSBA No. 18025
23 Attorneys for Plaintiff.
24
25
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